UNITED
NATIONS

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General Assembly

Distr.
LIMITED

A/C.3/49/L.49
2 December 1994

ORIGINAL: ENGLISH

Forty-ninth session
THIRD COMMITTEE
Agenda item 100 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Albania, Australia, Austria, Belarus, Belgium, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Denmark, Finland, France, Greece, Guatemala, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Morocco, Netherlands, Norway, Peru, Poland, Portugal, Romania, Russian Federation, Sierra Leone, Slovenia, South Africa, Spain, Sweden, Ukraine, United States of America, Uruguay and Venezuela: draft resolution

## Elimination of all forms of religious intolerance

The General Assembly,

Recalling that all States have pledged themselves, in the Charter of the United Nations, to promote and encourage universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recognizing that these rights derive from the inherent dignity of the human person,

Welcoming the general comment 1/ produced by the Human Rights Committee on article 18 of the International Covenant on Civil and Political Rights,

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1/ See Official Records of the General Assembly, Forty-eighth Session, Supplement No. 40 (A/48/40), annex VI.

Emphasizing that the right to freedom of thought, conscience, religion and belief is far-reaching and profound, and that it encompasses freedom of thought on all matters, personal conviction and the commitment to religion or belief, whether manifested individually or in community with others,

Emphasizing also that article 18 of the International Covenant on Civil and Political Rights 2/ permits no limitations on the freedom of thought and conscience or on the freedom to have or adopt a religion or belief of one's choice,

Reaffirming that discrimination against human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations,

Reaffirming its resolution 36/55 of 25 November 1981, by which it proclaimed the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling its resolution 48/128 of 20 December 1993, in which it requested the Commission on Human Rights to continue its consideration of measures to implement the Declaration,

Recalling also Commission on Human Rights resolution 1994/18 of 25 February 1994, 3/

Reaffirming the call of the World Conference on Human Rights for all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and the desecration of religious sites, recognizing that every individual has the right to freedom of thought, conscience, expression and religion,

Recalling Commission on Human Rights resolution 1992/17 of 21 February 1992 4/ and Economic and Social Council decision 1992/226 of 20 July 1992, by which the mandate of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate was extended for three years,

Calling upon all Governments to cooperate with the Special Rapporteur of the Commission on Human Rights, Mr. Abdelfattah Amor, to enable him to carry out his mandate fully,

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2/ Resolution 2200 A (XXI), annex.

3/ See Official Records of the Economic and Social Council, 1994, Supplement No. 24 (E/1994/24), chap. II, sect. A.

4/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A.

Recognizing that it is desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and that both Governments and non-governmental organizations have an important role to play in this domain,

Emphasizing that non-governmental organizations and religious bodies and groups at every level have an important role to play in the promotion of tolerance and the protection of freedom of religion or belief,

Conscious of the importance of education in ensuring tolerance of religion and belief,

Welcoming the inclusion of events relating to tolerance and religious diversity among the activities to be undertaken during the United Nations Year for Tolerance, with the United Nations Educational, Scientific and Cultural Organization as the lead organization,

Alarmed that serious instances, including acts of violence, of intolerance and discrimination on the grounds of religion or belief occur in many parts of the world,

Deeply concerned that, as reported by the Special Rapporteur, the rights violated on religious grounds include the right to life, the right to physical integrity and to liberty and security of person, the right to freedom of expression, the right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment and the right not to be arbitrarily arrested or detained,

Deeply concerned also at the increasing number of acts of violence, intimidation and coercion motivated by religious extremism in all its forms that, in many parts of the world, threaten the enjoyment of human rights and fundamental freedoms,

Reaffirming the dismay and condemnation expressed by the World Conference on Human Rights at the continued occurrence of gross and systematic violations and situations that constitute serious obstacles to the full enjoyment of all human rights, including religious intolerance,

Believing that further efforts are therefore required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief,

1. Reaffirms that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. Urges States to ensure that their constitutional and legal systems provide full guarantees of freedom of thought, conscience, religion and belief to all without discrimination, including the provision of effective remedies in cases where the right to freedom of religion or belief is violated;

3. Urges States to ensure in particular that no one within their jurisdiction is, on account of their religion or belief, deprived of the right to life or the right to liberty and security of person, or subjected to torture or arbitrary arrest or detention;

4. Condemns all instances of hatred, intolerance and acts of violence, intimidation and coercion motivated by religious extremism and intolerance of religion or belief;

5. Urges States, in conformity with international standards of human rights, to take all necessary action to prevent such instances, to take all appropriate measures to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by religious extremism, and to encourage understanding, tolerance and respect in matters relating to freedom of religion or belief;

6. Recognizes that legislation alone is not enough to prevent violations of human rights, including the right to freedom of religion or belief;

7. Emphasizes that, as underlined by the Human Rights Committee, restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law, are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others, and are applied in a manner that does not vitiate the right to freedom of thought, conscience and religion;

8. Urges States to ensure that, in the course of their official duties, members of law enforcement bodies, civil servants, educators and other public officials respect different religions and beliefs and do not discriminate against persons professing other religions or beliefs;

9. Calls upon all States to recognize, as provided in the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, the right of all persons to worship or assemble in connection with a religion or belief, and to establish and maintain places for these purposes;

10. Expresses its grave concern at attacks upon religious places, sites and shrines and calls upon all States, in accordance with their national legislation and in conformity with international human rights standards, to exert utmost efforts to ensure that such places, sites and shrines are fully respected and protected;

11. Recognizes that the exercise of tolerance and non-discrimination by persons and groups is necessary for the full realization of the aims of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief;

12. Considers it desirable to enhance the promotional and public information activities of the United Nations in matters relating to freedom of religion or belief and to ensure that appropriate measures are taken to this end in the World Public Information Campaign for Human Rights;

13. Invites the Secretary-General to continue to give high priority to the dissemination of the text of the Declaration, in all the official languages of the United Nations, and to take all appropriate measures to make the text available for use by United Nations information centres, as well as by other interested bodies;

14. Encourages the continued efforts on the part of the Special Rapporteur appointed to examine incidents and governmental actions in all parts of the world that are incompatible with the provisions of the Declaration and to recommend remedial measures as appropriate;

15. Encourages Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him to fulfil his mandate even more effectively;

16. Recommends that the promotion and protection of the right to freedom of thought, conscience and religion be given appropriate priority in the work of the United Nations programme of advisory services in the field of human rights, including with regard to the drafting of basic legal texts in conformity with international instruments on human rights and taking into account the provisions of the Declaration;

17. Welcomes the efforts of non-governmental organizations to promote the implementation of the Declaration;

18. Requests the Secretary-General to invite interested non-governmental organizations to consider what further role they could envisage playing in the implementation of the Declaration and in its dissemination in national and local languages;

19. Urges all States to consider disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in national and local languages;

20. Requests the Commission on Human Rights to continue its consideration of measures to implement the Declaration;

21. Requests the Special Rapporteur of the Commission on Human Rights to submit an interim report to the General Assembly at its fiftieth session;

22. Decides to consider the question of the elimination of all forms of religious intolerance at its fiftieth session under the item entitled "Human rights questions".

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UNITED
NATIONS

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General Assembly

Distr.
LIMITED

A/C.3/49/L.50
2 December 1994

ORIGINAL: ENGLISH

Forty-ninth session
THIRD COMMITTEE
Agenda item 100 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Argentina, Armenia, Australia, Austria, Belarus, Belgium, Benin, Brazil, Canada, Costa Rica, Germany, Greece, Guatemala, Hungary, Iceland, Israel, Italy, Japan, Malta, Panama, Philippines, Republic of Korea, Romania, Russian Federation, Rwanda, Slovenia and Venezuela: draft resolution

## Regional arrangements for the promotion and protection of human rights

The General Assembly,

Recalling its resolution 32/127 of 16 December 1977 and all its subsequent resolutions concerning regional arrangements for the promotion and protection of human rights,

Recalling also that, in its resolution 47/125 of 18 December 1992, the General Assembly invited the Secretary-General to submit to the Assembly at its forty-ninth session a report on the state of regional arrangements for the promotion and protection of human rights and to include therein the results of action taken in pursuance of that resolution,

Recalling further Commission on Human Rights resolution 1993/51 of 9 March 1993 on regional arrangements for the promotion and protection of human rights, 1/

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1/ See Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

Recalling the relevant resolutions of the Commission on Human Rights concerning advisory services in the field of human rights, including its most recent resolution on that subject, 1994/69 of 9 March 1994, 2/

Bearing in mind the Vienna Declaration and Programme of Action 3/ adopted at the World Conference on Human Rights,

Reaffirming that regional arrangements play a fundamental role in promoting and protecting human rights and should reinforce universal human rights standards, as contained in international human rights instruments, and their protection,

Recalling that the World Conference on Human Rights reiterated the need to consider the possibility of establishing regional and subregional arrangements for the promotion and protection of human rights where they do not already exist,

Having considered the report of the Secretary-General on regional arrangements for the promotion and protection of human rights, 4/

Noting the progress achieved so far in the promotion and protection of human rights at the regional level under the auspices of the United Nations, the specialized agencies and the regional intergovernmental organizations,

1. Takes note of the report of the Secretary-General;

2. Welcomes the continuing cooperation and assistance of the Centre for Human Rights of the United Nations Secretariat in the further strengthening of the existing regional arrangements and regional machinery for the promotion and protection of human rights, particularly in regard to advisory services and technical assistance, public information and education, with a view to exchanging any information and experience in the field of human rights;

3. Welcomes also in that respect the close cooperation given by the Centre for Human Rights in the organization of regional and subregional training courses or workshops in the field of human rights, aiming at creating greater understanding of the promotion and protection of human rights issues in the regions and at improving procedures and examining the various systems for the promotion and protection of the universally accepted human rights standards;

4. Stresses the importance of the programme of advisory services in the field of human rights, and renews its appeal to all Governments to consider making use of the possibilities offered by the United Nations, under this programme, of organizing information and/or training courses at the national

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2/ Ibid., 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

3/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

4/ A/49/321.

level for government personnel on the application of international human rights standards and the experience of relevant international bodies;

5. Requests the Secretary-General, as foreseen in the medium-term plan for the period 1992-1997, 5/ to continue to strengthen exchanges between the United Nations and regional intergovernmental organizations dealing with human rights, and welcomes, in this connection, the fact that the Centre for Human Rights will continue to organize national, regional and subregional workshops and training courses for government officials engaged in the administration of justice and in the implementation of the international human rights instruments and that more countries in all regions of the world are expected to develop forms of cooperation and assistance with the Centre, in keeping with their specific needs;

6. Invites States in areas where regional arrangements in the field of human rights do not yet exist to consider concluding agreements with a view to the establishment within their respective regions of suitable regional machinery for the promotion and protection of human rights;

7. Requests the Commission on Human Rights to continue to pay special attention to the most appropriate ways of assisting, at their request, countries of the different regions under the programme of advisory services and to make, where necessary, the relevant recommendations;

8. Requests the Secretary-General to submit to the General Assembly at its fifty-first session a report on the state of regional arrangements for the promotion and protection of human rights and to include therein the results of action taken in pursuance of the present resolution;

9. Decides to consider this question further at its fifty-first session.

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5/ See Official Records of the General Assembly, Forty-fifth Session, Supplement No. 6 (A/45/6/Rev.1), vol. II.

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General Assembly

Distr.
LIMITED

A/C.3/49/L.51
2 December 1994

ORIGINAL: ENGLISH

Forty-ninth session
THIRD COMMITTEE
Agenda item 100 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Argentina, Armenia, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Finland, France, Germany, Haiti, Hungary, Israel, Liberia, Lithuania, Luxembourg, Republic of Moldova, Romania, Russian Federation, Turkey and United States of America: draft resolution

# Strengthening the role of the United Nations in enhancing the effectiveness of periodic and genuine elections and the promotion of democratization

The General Assembly,

Recalling its previous resolutions on the subject, especially resolutions 47/138 of 18 December 1992 and 48/131 of 20 December 1993, as well as the annex to Commission on Human Rights resolution 1989/51 of 7 March 1989, 1/

Recalling also the Vienna Declaration and Programme of Action, especially the recognition therein that assistance provided upon the request of Governments for the conduct of free and fair elections, including assistance in the human rights aspects of elections and public information about elections, is of particular importance in the strengthening and building of institutions relating to human rights and the strengthening of a pluralistic civil society, and that

1/ See Official Records of the Economic and Social Council, 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

special emphasis should be given to measures that assist in achieving those goals, 2/

Reaffirming that the electoral assistance and support for the promotion of democratization are provided only at the specific request of the Member State concerned,

Recognizing the usefulness of a comprehensive and balanced approach in the activities carried out by the United Nations in this field in order to contribute to the strengthening of both democracy and human rights within the country concerned,

Welcoming the Colloquium on African Election Administration organized by the Electoral Assistance Division of the United Nations Secretariat in cooperation with the Department of Development Support and Management Services and non-governmental organizations, held in Zimbabwe from 15 to 18 November 1994, with the goal of contributing to the democratization process in Africa,

Taking note of the Declaration on Criteria for Free and Fair Elections adopted by the Inter-Parliamentary Union on the occasion of its ninety-first conference, held in Paris in March 1994,

Having considered the report of the Secretary-General, 3/

Noting the continuing high level of requests for electoral assistance by Member States,

1. Takes note of the report of the Secretary-General on United Nations activities aimed at enhancing the effectiveness of the principle of periodic and genuine elections;

2. Commends the electoral assistance provided to Member States at their request by the United Nations, requests that such assistance continue on a case-by-case basis in accordance with the proposed guidelines on electoral assistance, recognizing that the fundamental responsibility for ensuring free and fair elections lies with Governments, and also requests the Electoral Assistance Division to continue to inform Member States on a regular basis about the requests received, the responses given to those requests and the nature of the assistance provided;

3. Requests that the United Nations continue its efforts to ensure, before undertaking to provide electoral assistance to a requesting State, that there is adequate time to organize and carry out an effective mission for providing such assistance, that conditions exist to allow a free and fair

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2/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/27 (Part I)), chap. III, sect. II, para. 67.

3/ A/49/675 and Corr.1.

election and that provisions can be made for adequate and comprehensive reporting of the results of the mission;

4. Commends the steps taken by the United Nations to ensure the continuation and consolidation of the democratization process in certain Member States requesting assistance, including the provision of assistance before and after elections have taken place and needs-assessment missions aimed at recommending programmes which might contribute to the consolidation of the democratization process, and requests that such efforts be strengthened;

5. Recommends that the Electoral Assistance Division provide post-election assistance to States that so request as well as to electoral institutions in order to contribute to the sustainability of their electoral processes, as provided for in the report of the Secretary-General, and that it study, in cooperation with relevant United Nations offices, ways of defining more clearly the activities related to democratic consolidation which the United Nations might usefully undertake in assisting the efforts of interested States in this regard;

6. Requests the Secretary-General to take further steps to support States which request assistance by, inter alia, enabling the United Nations High Commissioner for Human Rights, in accordance with his mandate and through the Centre for Human Rights, to support democratization activities as related to human rights concerns, including, inter alia, human rights training and education, assistance for human rights-related legislative reform, strengthening and reform of the judiciary, assistance to national human rights institutions and advisory services on treaty accession, reporting and international obligations as related to human rights;

7. Commends the programmes of assistance carried out by the United Nations Development Programme for civil service reform, for governance, and especially those for strengthening participation and linkages between concerned sectors of society and Governments;

8. Recalls the establishment by the Secretary-General of the United Nations Trust Fund for Electoral Observation, and calls upon Member States to consider contributing to the Fund;

9. Stresses the importance of coordination within the United Nations system, commends the Centre for Human Rights of the United Nations Secretariat for the advisory services and technical assistance it provides and the Department for Development Support and Management Services of the Secretariat and the United Nations Development Programme for the technical assistance they provide to requesting Member States, and requests the Electoral Assistance Division to strengthen its collaboration with the Centre for Human Rights, including through an exchange of personnel when appropriate, and with the Department for Development Support and Management Services and the United Nations Development Programme and to inform them of requests submitted in the area of electoral assistance;

10. Recommends that the United Nations continue and strengthen its coordination of election preparation and observation with intergovernmental and non-governmental organizations which have an interest in such activities;

11. Requests the Secretary-General to provide the Electoral Assistance Division with adequate human and financial resources, under the regular budget of the Organization and within existing resources, to allow it to carry out its mandate and to reinforce the Centre for Human Rights through the redeployment of resources and personnel, so as to enable it to respond, in close coordination with the Electoral Assistance Division, to the increasing number of requests from Member States for advisory services in the area of electoral assistance;

12. Recommends that, in connection with the commemoration of the fiftieth anniversary of the United Nations, special attention be paid to publicizing the Organization's successful efforts towards promoting genuine and periodic elections and its increasing focus on democratization;

13. Takes note of the guidelines for Member States considering the formulation of requests for electoral assistance, contained in annex III to the report of the Secretary-General; 3/

14. Recommends that the Secretary-General, taking into account the coordinating role of the High Commissioner for Human Rights in this regard, consider ways to continue to improve coordination and to strengthen further the efforts of the Electoral Assistance Division, the Centre for Human Rights and the United Nations system in general to respond to its increased responsibilities and enlarged mandate in the field of electoral assistance and democratization as reflected in the present resolution, and to include his recommendations in this regard in his report to the General Assembly at its fiftieth session;

15. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of resolution 48/131 and the present resolution, in particular on the status of requests from Member States for electoral assistance and verification, and on his efforts to enhance the Organization's support of the democratization process in Member States.

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UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/C.3/49/L.51/Rev.1
12 December 1994

ORIGINAL: ENGLISH

Forty-ninth session
THIRD COMMITTEE
Agenda item 100 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Argentina, Armenia, Australia, Austria, Belarus, Belgium, Bulgaria, Canada, Chile, Costa Rica, Czech Republic, Denmark, Ethiopia, Finland, France, Georgia, Germany, Greece, Guinea, Haiti, Hungary, Iceland, Ireland, Israel, Italy, Liberia, Lithuania, Luxembourg, Malawi, Mali, Mauritius, Netherlands, Nicaragua, Paraguay, Poland, Republic of Moldova, Romania, Russian Federation, Slovakia, Spain, Sweden, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela and Yemen: revised draft resolution

# Strengthening the role of the United Nations in enhancing the effectiveness of periodic and genuine elections and the promotion of democratization

The General Assembly,

Recalling its previous resolutions on the subject, especially resolutions 47/138 of 18 December 1992 and 48/131 of 20 December 1993, and the annex to Commission on Human Rights resolution 1989/51 of 7 March 1989, 1/

Recalling also the Vienna Declaration and Programme of Action, especially the recognition therein that assistance provided upon the request of Governments for the conduct of free and fair elections, including assistance in the human rights aspects of elections and public information about elections, is of particular importance in the strengthening and building of institutions relating

1/ See Official Records of the Economic and Social Council, 1989, Supplement No. 2 (E/1989/20), chap. II, sect. A.

to human rights and the strengthening of a pluralistic civil society, and that special emphasis should be given to measures that assist in achieving those goals, 2/

Reaffirming that the electoral assistance and support for the promotion of democratization are provided only at the specific request of the Member State concerned,

Recognizing the usefulness of a comprehensive and balanced approach in the activities carried out by the United Nations in this field in order to contribute to the strengthening of both democracy and human rights within the country concerned,

Welcoming the Colloquium on African Election Administration organized by the Electoral Assistance Division of the Department of Peace-keeping Operations of the Secretariat in cooperation with the Department for Development Support and Management Services and non-governmental organizations, held in Zimbabwe from 15 to 18 November 1994, with the goal of contributing to the democratization process in Africa,

Taking note of the Declaration on Criteria for Free and Fair Elections adopted by the Inter-Parliamentary Union on the occasion of its ninety-first conference, held in Paris in March 1994,

Welcoming the support provided by States to the electoral assistance activities of the United Nations, inter alia, through the provision of experts, electoral observers and civilian police, as well as through contributions to the United Nations Trust Fund for Electoral Observation,

Having considered the report of the Secretary-General, 3/

Noting the continuing high level of requests for electoral assistance by Member States,

1. Takes note of the report of the Secretary-General on United Nations activities aimed at enhancing the effectiveness of the principle of periodic and genuine elections;

2. Commends the electoral assistance provided to Member States at their request by the United Nations, requests that such assistance continue on a case-by-case basis in accordance with the proposed guidelines on electoral assistance, recognizing that the fundamental responsibility for ensuring free and fair elections lies with Governments, and also requests the Electoral Assistance Division to continue to inform Member States on a regular basis about the requests received, the responses given to those requests and the nature of the assistance provided;

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2/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/27 (Part I)), chap. III, sect. II, para. 67.

3/ A/49/675 and Corr.1.

3. Requests that the United Nations continue its efforts to ensure, before undertaking to provide electoral assistance to a requesting State, that there is adequate time to organize and carry out an effective mission for providing such assistance, that conditions exist to allow a free and fair election and that provisions can be made for adequate and comprehensive reporting of the results of the mission;

4. Commends the steps taken by the United Nations to ensure the continuation and consolidation of the democratization process in certain Member States requesting assistance, including the provision of assistance before and after elections have taken place and needs-assessment missions aimed at recommending programmes which might contribute to the consolidation of the democratization process, and requests that such efforts be strengthened;

5. Recommends that the Electoral Assistance Division provide post-election assistance to States that so request, and to electoral institutions, in order to contribute to the stability and continuity of their electoral processes, as provided for in the report of the Secretary-General, and that it study, in cooperation with relevant United Nations offices, ways of defining more clearly the activities related to democratic consolidation which the United Nations might usefully undertake in assisting the efforts of interested States in this regard;

6. Requests the Secretary-General to take further steps to support States which request assistance by, inter alia, enabling the United Nations High Commissioner for Human Rights, in accordance with his mandate and through the Centre for Human Rights of the Secretariat, to support democratization activities as related to human rights concerns, including, inter alia, human rights training and education, assistance for human rights-related legislative reform, strengthening and reform of the judiciary, assistance to national human rights institutions and advisory services on treaty accession, reporting and international obligations as related to human rights;

7. Commends the programmes of assistance carried out by the United Nations Development Programme for civil service reform, for governance, and especially those for strengthening participation and linkages between concerned sectors of society and Governments;

8. Recalls the establishment by the Secretary-General of the United Nations Trust Fund for Electoral Observation, and calls upon Member States to consider contributing to the Fund;

9. Stresses the importance of coordination within the United Nations system, commends the Centre for Human Rights for the advisory services and technical assistance it provides and the Department for Development Support and Management Services of the Secretariat and the United Nations Development Programme for the technical assistance they provide to requesting Member States, and requests the Electoral Assistance Division to strengthen its collaboration with the Centre, including through an exchange of personnel when appropriate, and with the Department and the Programme and to inform them of requests submitted in the area of electoral assistance;

10. Recommends that the United Nations continue and strengthen its coordination of election preparation and observation with intergovernmental and non-governmental organizations which have an interest in such activities;

11. Requests the Secretary-General to provide the Electoral Assistance Division with adequate human and financial resources, under the regular budget of the Organization and within existing resources, to allow it to carry out its mandate and to reinforce the Centre for Human Rights through the redeployment of resources and personnel, so as to enable it to respond, in close coordination with the Electoral Assistance Division, to the increasing number of requests from Member States for advisory services in the area of electoral assistance;

12. Recommends that, in connection with the commemoration of the fiftieth anniversary of the United Nations, special attention be paid to publicizing the Organization's successful efforts towards promoting genuine and periodic elections and its increasing focus on democratization;

13. Takes note of the guidelines for Member States considering the formulation of requests for electoral assistance, contained in annex III to the report of the Secretary-General; 3/

14. Recommends that the Secretary-General consider ways to continue to improve coordination and to strengthen further the efforts of the Electoral Assistance Division, the Centre for Human Rights and the United Nations system in general to respond to its increased responsibilities and enlarged mandate in the field of electoral assistance and democratization as reflected in the present resolution, and to include his recommendations in this regard in his report to the General Assembly at its fiftieth session;

15. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of resolution 48/131 and the present resolution, in particular on the status of requests from Member States for electoral assistance and verification, and on his efforts to enhance the Organization's support of the democratization process in Member States.

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UNITED
NATIONS

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General Assembly

Distr.
LIMITED

A/C.3/49/L.52
2 December 1994

ORIGINAL: ENGLISH

Forty-ninth session
THIRD COMMITTEE
Agenda item 100 (c)

# HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Andorra, Australia, Austria, Belgium, Canada, Costa Rica, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

## Situation of human rights in the Islamic Republic of Iran

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 1/ and the International Covenants on Human Rights, 2/

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Recalling its relevant resolutions, including the most recent, resolution 48/145 of 20 December 1993, as well as those of the Commission on Human Rights, including the most recent, resolution 1994/73 of 9 March 1994, and those of the Subcommission on Prevention of Discrimination and Protection of Minorities, including the most recent, resolution 1994/16,

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1/ Resolution 217 A (III).
2/ Resolution 2200 A (XXI), annex.

Noting that the Government of the Islamic Republic of Iran has responded to the request of the Special Representative of the Commission on Human Rights for information concerning allegations of human rights violations in that country, but did not allow him to pay a fourth visit to the country so that he might obtain direct and first-hand information on the current human rights situation there,

Reaffirming that Governments are accountable for assassinations and attacks by their agents against persons on the territory of another State, as well as for the incitement, approval or wilful condoning of such acts,

Noting the observation of the Special Representative that continued international scrutiny of human rights and fundamental freedoms in the Islamic Republic of Iran is warranted and that the subject should remain on the agenda of the General Assembly,

Noting also that the Subcommission on Prevention of Discrimination and Protection of Minorities, in its resolution 1994/16, has condemned the continuing flagrant violations of human rights in the Islamic Republic of Iran,

Noting further the concluding observations of the Committee on the Elimination of Racial Discrimination, the Human Rights Committee and the Committee on Economic, Social and Cultural rights on the human rights situation in the Islamic Republic of Iran,

1. Takes note with appreciation of the interim report of the Special Representative of the Commission on Human Rights 3/ and the considerations and observations contained therein;

2. Expresses its concern at continuing reports of violations of human rights in the Islamic Republic of Iran;

3. Expresses its concern more specifically at the main criticisms of the Special Representative in his recent reports with regard to the human rights situation in the Islamic Republic of Iran, namely, the continued high number of executions, cases of torture and cruel, inhuman or degrading treatment or punishment, a failure to meet international standards with regard to the administration of justice, the absence of guarantees of due process of law, the discriminatory treatment of minorities by reason of their religious beliefs, notably the Baha'is, whose existence as a viable religious community is threatened, lack of adequate protection for the Christian minorities, some of which have recently been the target of intimidations and assassinations, restrictions on the freedom of expression, thought, opinion and the press, and, as noted by the Special Representative, continued widespread discrimination against women;

4. Expresses its grave concern at the continued widespread use of the death penalty, especially where its use is in violation of the relevant provisions of the International Covenant on Civil and Political Rights;

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3/ A/49/514 and Add.1 and 2.

5. Also expresses its grave concern that there are continuing threats to the life of Mr. Salman Rushdie, as well as to individuals associated with his work, which appear to have the support of the Government of the Islamic Republic of Iran;

6. Urges the Government of the Islamic Republic of Iran to refrain from activities such as those mentioned in the report of the Special Representative against members of the Iranian opposition living abroad and to cooperate wholeheartedly with the authorities of other countries in investigating and punishing offences reported by them;

7. Regrets that the Government of the Islamic Republic of Iran has still not permitted the Special Representative to visit the country and thus has not enabled him fully to discharge his mandate by according him full cooperation;

8. Urges the Government of the Islamic Republic of Iran to implement existing agreements with international humanitarian organizations;

9. Calls upon the Government of the Islamic Republic of Iran to intensify its efforts to investigate and rectify the human rights issues raised by the Special Representative in sections IV and V of his report, in particular as regards the administration of justice and due process of law;

10. Urges the Government of the Islamic Republic of Iran to carry out thorough, careful and impartial investigations into the assassination cases of the three Christian ministers mentioned in the report of the Special Representative;

11. Also urges the Islamic Republic of Iran to comply with international instruments on human rights, in particular the International Covenant on Civil and Political Rights, to which the Islamic Republic of Iran is a party, and to ensure that all individuals within its territory and subject to its jurisdiction, including religious groups and other persons belonging to minorities, enjoy the rights recognized in those instruments;

12. Endorses the view of the Special Representative that the international monitoring of the human rights situation in the Islamic Republic of Iran should be continued;

13. Calls upon the Government of the Islamic Republic of Iran to cooperate fully with the Special Representative;

14. Requests the Secretary-General to give all necessary assistance to the Special Representative;

15. Decides to continue the examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups, such as the Baha'is, during its fiftieth session under the item entitled "Human rights questions" in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

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UNITED
NATIONS

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General Assembly

Distr.
LIMITED

A/C.3/49/L.53
2 December 1994

ORIGINAL: ENGLISH

Forty-ninth session
THIRD COMMITTEE
Agenda item 100 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Andorra, Australia, Austria, Belgium, Canada, Costa Rica, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kuwait, Liechtenstein, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

Situation of human rights in Iraq

The General Assembly,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights 1/ and the International Covenants on Human Rights, 2/

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on Human Rights and to other international human rights instruments,

Recalling its resolution 48/144 of 20 December 1993, in which it expressed its deep concern at flagrant violations of human rights by the Government of Iraq,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

Recalling also Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that Iraq should cooperate with humanitarian organizations and ensure that the human and political rights of all Iraqi citizens were respected,

Recalling in particular Commission on Human Rights resolution 1991/74 of 6 March 1991, 3/ by which the Commission requested its Chairman to appoint a Special Rapporteur to make a thorough study of the violations of human rights by the Government of Iraq, based on all information the Special Rapporteur might deem relevant, including information provided by intergovernmental and non-governmental organizations and any comments and material provided by the Government of Iraq,

Recalling the pertinent resolutions of the Commission on Human Rights condemning the flagrant violations of human rights by the Government of Iraq, including its most recent resolution, 1994/74 of 9 March 1994, 4/ by which the Commission extended the mandate of the Special Rapporteur for a further year and requested him to submit an interim report to the General Assembly at its forty-ninth session and a final report to the Commission at its fifty-first session,

Recalling also Security Council resolutions 687 (1991) of 3 April 1991, 706 (1991) of 15 August 1991, 712 (1991) of 19 September 1991 and 778 (1992) of 2 October 1992,

Deeply concerned by the deterioration of the overall human rights situation in Iraq and the continued massive and grave violations of human rights by the Government of Iraq, such as summary and arbitrary executions, torture and other cruel, inhuman or degrading treatment, enforced or involuntary disappearances, arbitrary arrests and detentions, lack of due process and the rule of law and of freedom of thought, of expression, of association and of access to food and health care,

Deeply concerned also by the forced displacement of hundreds of thousands of Iraqi civilians and by the destruction of Iraqi towns and villages, as well as by the fact that tens of thousands of displaced Kurds have had to take refuge in camps and shelters in the north of Iraq,

Deeply concerned further at the increasingly severe and grave violations of human rights by the Government of Iraq against the civilian population in southern Iraq, in particular in the southern marshes, where the combination of massive drainage projects and wide-ranging military operations on the part of the Iraqi Government has forced residents of the marshes to flee in large numbers, many of whom have sought refuge on the border between Iraq and the Islamic Republic of Iran,

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3/ See Official Records of the Economic and Social Council, 1991, Supplement No. 2 (E/1991/22), chap. II, sect. A.

4/ Ibid., 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

Welcoming the decision to deploy a team of human rights monitors to such locations as would facilitate improved information flows and assessment and help in the independent verification of reports on the situation of human rights in Iraq,

Regretting that the Government of Iraq has not seen fit to respond to requests for a visit of the Special Rapporteur on the situation of human rights in Iraq or to cooperate with him, in particular by failing to reply to the inquiries of the Special Rapporteur about acts being committed by the Government of Iraq that are incompatible with the international human rights instruments that are binding on that country,

1. Takes note with appreciation of the interim report on the situation of human rights in Iraq submitted by the Special Rapporteur of the Commission on Human Rights 5/ and the observations, conclusions and recommendations contained therein;

2. Expresses its strong condemnation of the massive violations of human rights of the gravest nature, for which the Government of Iraq is responsible and to which the Special Rapporteur has referred in his recent reports, in particular:

(a) Summary and arbitrary executions, orchestrated mass executions and burials, extrajudicial killings, including political killings, in particular in the northern region of Iraq, in southern Shiah centres and in the southern marshes;

(b) The widespread routine practice of systematic torture in its most cruel forms;

(c) The enactment and implementation of recent decrees prescribing cruel and unusual punishment, namely, mutilation as a penalty for certain offences and the abuse and diversion of medical care services for the purposes of such legalized mutilations;

(d) Enforced or involuntary disappearances, routinely practised arbitrary arrest and detention, including arrest and detention of women, the elderly and children, and consistent and routine failure to respect due process and the rule of law;

(e) Suppression of freedom of thought, expression and association and violations of property rights;

(f) The unwillingness of the Government of Iraq to honour its responsibilities in respect of the economic and social rights of the population, especially with regard to the rights to food and health;

3. Condemns the repression of the Iraqi civilian population in general, and of the political opposition in particular;

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5/ A/49/394, annex.

4. Deplores the refusal of Iraq to cooperate in the implementation of Security Council resolutions 706 (1991) and 712 (1991), which provide for the sale of oil in return for humanitarian aid, and its resultant failure to provide the Iraqi population with access to adequate food and health care;

5. Calls upon the Government of Iraq to resolve the cases of disappearances of Kuwaitis and nationals of other States by providing detailed information on all persons deported from or arrested in Kuwait between 2 August 1990 and 26 February 1991 and on those who were executed or died in detention during or after that period, as well as on the location of their graves, and also calls on the Government of Iraq in particular:

(a) To release immediately all Kuwaitis and nationals of other States that may still be held in detention;

(b) To improve substantially its cooperation with international humanitarian organizations in an effort to resolve the cases of disappeared Kuwaitis and nationals of other States;

(c) To pay appropriate compensation to the families of such persons who died while in custody of Iraqi authorities or for whom the Government of Iraq is responsible and has so far failed to account, through the mechanism established by Security Council resolution 692 (1991) of 20 May 1991;

6. Calls once again upon Iraq, as a State party to the International Covenant on Economic, Social and Cultural Rights 6/ and to the International Covenant on Civil and Political Rights, to abide by its obligations freely undertaken under the Covenants and under other international instruments on human rights and, particularly, to respect and ensure the rights of all individuals, irrespective of their origin, within its territory and subject to its jurisdiction;

7. Recognizes the importance of the work of the United Nations in providing humanitarian relief to the people of Iraq, and calls upon Iraq to allow unhindered access of the United Nations humanitarian agencies throughout the country, including ensuring the safety of United Nations personnel and humanitarian workers, inter alia, through the continued implementation of the Memorandum of Understanding signed by the United Nations and the Government of Iraq;

8. Expresses special alarm at the repressive practices directed against the Kurds, which continue to have an impact on the lives of the Iraqi people as a whole;

9. Also expresses special alarm at the grave violations of human rights in southern Iraq, and urges the Government of Iraq to implement without further delay the recommendations made by the Special Rapporteur, including, inter alia, the immediate halting and reversal of the draining of the marshes and the

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6/ See resolution 2200 A (XXI), annex.

cessation of its military activities against the marsh Arabs, whose survival as a community is endangered;

10. Welcomes the sending of human rights monitors to the border between Iraq and the Islamic Republic of Iran, and calls upon the Government of Iraq to allow immediate and unconditional stationing of human rights monitors throughout the country, especially the southern marsh area;

11. Once again expresses its special alarm at the continuation of all internal embargoes, which permit no exceptions for humanitarian needs and which prevent the equitable enjoyment of basic foodstuffs and medical supplies, and calls upon the Government of Iraq, which has sole responsibility in this regard, to remove them and to take steps to cooperate with international humanitarian agencies in the provision of relief to those in need throughout Iraq and to act to take advantage of the "food for oil" formula as set forth in Security Council resolutions 706 (1991) and 712 (1991);

12. Regrets the failure of the Government of Iraq to provide satisfactory replies concerning the violations of human rights brought to the attention of the Special Rapporteur, and calls upon the Government fully to cooperate and to reply without delay in a comprehensive and detailed manner so as to enable the Special Rapporteur to formulate the appropriate recommendations to improve the situation of human rights in Iraq;

13. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance in carrying out his mandate and to approve the allocation of sufficient human and material resources for the sending of human rights experts to such locations as would facilitate improved information flow and assessment and help in the independent verification of reports on the situation of human rights in Iraq;

14. Decides to continue its consideration of the situation of human rights in Iraq during its fiftieth session under the item entitled "Human rights questions" in the light of additional elements provided by the Commission on Human Rights and the Economic and Social Council.

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UNITED
NATIONS

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General Assembly

Distr.
LIMITED

A/C.3/49/L.54
2 December 1994

ORIGINAL: ENGLISH

Forty-ninth session
THIRD COMMITTEE
Agenda item 100 (b)

# HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Andorra, Australia, Austria, Belgium, Benin, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Denmark, El Salvador, Estonia, Ethiopia, Finland, France, Germany, Greece, Haiti, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Nicaragua, Norway, Peru, Poland, Portugal, Russian Federation, Slovenia, South Africa, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

## Summary or arbitrary executions

The General Assembly,

Recalling the Universal Declaration of Human Rights, 1/ which guarantees the right to life, liberty and security of person,

Having regard to the provisions of the International Covenant on Civil and Political Rights, 2/ in which it is stated that every human being has the inherent right to life, that this right shall be protected by law and that no one shall be arbitrarily deprived of his life,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

Recalling its resolution 36/22 of 9 November 1981, in which it condemned the practice of summary and arbitrary executions, and its subsequent resolutions on the subject, most recently resolution 47/136 of 18 December 1992,

Mindful of the dismay and condemnation expressed by the World Conference on Human Rights at the continuing occurrence of gross and systematic violations of human rights, including summary and arbitrary executions,

Deeply alarmed at the continued occurrence on a large scale of summary or arbitrary executions, including extrajudicial executions,

Condemning especially violations of the right to life of minors and, in particular, children and adolescents without homes,

Recalling Economic and Social Council resolution 1984/50 of 25 May 1984 and the safeguards guaranteeing protection of the rights of those facing the death penalty annexed thereto, which resolution was endorsed by the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders in its resolution 15, 3/

Welcoming the close cooperation established between the Centre for Human Rights and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs of the Secretariat and the Committee on Crime Prevention and Control 4/ with regard to questions relating to extrajudicial, summary or arbitrary executions,

Convinced of the need for appropriate action to combat and eventually eliminate the abhorrent practice of extrajudicial, summary or arbitrary executions, which represents a flagrant violation of the most fundamental right, the right to life,

1. Once again strongly condemns the large number of extrajudicial, summary or arbitrary executions which continue to take place throughout the world;

2. Demands that the practice of summary or arbitrary executions be brought to an end;

3. Urgently appeals to Governments, United Nations bodies, the specialized agencies, regional intergovernmental organizations and

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3/ See Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August to 6 September 1985: report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. E.

4/ In its resolution 46/152 of 18 December 1991, the General Assembly requested the Economic and Social Council to dissolve the Committee on Crime Prevention and Control and establish the Committee on Crime Prevention and Criminal Justice.

non-governmental organizations to take effective action to combat and eliminate summary or arbitrary executions, including extrajudicial executions;

4. Reaffirms Economic and Social Council decision 1992/242 of 20 July 1992, in which the Council approved the decision of the Commission on Human Rights 5/ to appoint a special rapporteur for three years to consider the questions related to summary or arbitrary executions and also approved the Commission's request to the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur, and recommends that the Commission on Human Rights continue his mandate at the fifty-first session of the Commission;

5. Strongly urges all Governments, in particular those that have consistently not responded to communications transmitted to them by the Special Rapporteur, and all others concerned to cooperate with and assist the Special Rapporteur so that he may carry out his mandate effectively;

6. Requests the Special Rapporteur, in carrying out his mandate, to respond effectively to information that comes before him, in particular when a summary or arbitrary execution is imminent or threatened, or when such an execution has recently occurred, and, furthermore, to promote exchanges of views between Governments and those who provide reliable information to the Special Rapporteur, where the Special Rapporteur considers that such exchanges of information might be useful;

7. Also requests the Special Rapporteur to continue, in his next report, to pay special attention to extrajudicial, summary or arbitrary executions of children and women and to allegations concerning violations of the right to life in the context of violence against participants in demonstrations and other peaceful public manifestations or against persons belonging to national or ethnic, religious and linguistic minorities;

8. Welcomes the recommendations made by the Special Rapporteur in his reports to the Commission on Human Rights at its forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth and fiftieth sessions with a view to eliminating summary or arbitrary executions;

9. Encourages Governments, international organizations and non-governmental organizations to organize training programmes and to support projects with a view to training or educating military forces, law enforcement officers and government officials as well as members of the United Nations peace-keeping or observer missions on human rights and humanitarian law issues connected with their work, and appeals to the international community to support endeavours to that end;

10. Urges the Special Rapporteur to continue to draw to the attention of the United Nations High Commissioner for Human Rights such situations of

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5/ See Official Records of the Economic and Social Council, 1992, Supplement No. 2 (E/1992/22), chap. II, sect. A, resolution 1992/72.

extrajudicial, summary and arbitrary executions as are of particularly serious concern to him or where early action might prevent further deterioration;

11. Requests the Special Rapporteur to continue monitoring the implementation of existing international standards on safeguards and restrictions relating to the imposition of capital punishment, bearing in mind the comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as the Second Optional Protocol thereto;

12. Considers that the Special Rapporteur, in carrying out his mandate, should continue to seek and receive information from Governments, United Nations bodies, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status with the Economic and Social Council, as well as medical and forensic experts;

13. Requests the Secretary-General to continue to provide all necessary assistance to the Special Rapporteur and in view of the increasing workload of the Special Rapporteur, to substantially increase, within existing resources, the human and material resources placed at his disposal, so that he may effectively carry out his mandate;

14. Again requests the Secretary-General to continue to use his best endeavours in cases where the minimum standard of legal safeguards provided for in articles 6, 14 and 15 of the International Covenant on Civil and Political Rights appears not to have been respected;

15. Requests the Commission on Human Rights at its fifty-first session, on the basis of the report of the Special Rapporteur, to make recommendations concerning appropriate action to combat and eventually eliminate the abhorrent practice of summary or arbitrary executions.

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UNITED
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General Assembly

Distr.
LIMITED

A/C.3/49/L.55
2 December 1994

ORIGINAL: ENGLISH

Forty-ninth session
THIRD COMMITTEE
Agenda item 100 (d)

HUMAN RIGHTS QUESTIONS: COMPREHENSIVE IMPLEMENTATION OF AND FOLLOW-UP TO THE VIENNA DECLARATION AND PROGRAMME OF ACTION

Afghanistan, Albania, Andorra, Armenia, Australia, Austria, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Bulgaria, Cambodia, Canada, Chile, Colombia, Costa Rica, Cyprus, Denmark, Ecuador, Ethiopia, Finland, Germany, Greece, Guinea, Guinea-Bissau, Honduras, Hungary, Iceland, Ireland, Italy, Jordan, Liechtenstein, Lithuania, Luxembourg, Malta, Morocco, Netherlands, Niger, Pakistan, Panama, Philippines, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, Samoa, Slovenia, South Africa, Spain, Sweden, Turkey, Ukraine and Venezuela: draft resolution

Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

The General Assembly,

Recalling its resolution 48/121 of 20 December 1993, in which it endorsed the Vienna Declaration and Programme of Action, 1/

Reaffirming the view of the World Conference on Human Rights that the promotion and protection of human rights is a matter of priority for the international community,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the

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1/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

Charter of the United Nations and one of the main priorities of the Organization,

Welcoming Commission on Human Rights resolution 1994/95 of 9 March 1994 on the World Conference on Human Rights, 2/ in which, inter alia, the Commission called upon all special representatives, special rapporteurs, independent experts and thematic working groups of the Commission to take fully into account the recommendations contained in the Vienna Declaration and Programme of Action within their respective mandates,

Recognizing the urgency of eliminating denials and violations of human rights, as expressed in the Vienna Declaration and Programme of Action,

Convinced that the World Conference on Human Rights made an important contribution to the cause of human rights and that the Vienna Declaration and Programme of Action has to be translated into effective action by States, the competent United Nations organs and organizations and other organizations concerned, including non-governmental organizations,

Bearing in mind that the Vienna Declaration and Programme of Action provides the United Nations and the international community with a coherent framework of principles, objectives and means for promoting and protecting human rights,

Noting that the activities envisaged in the Vienna Declaration and Programme of Action add further to the workload and the responsibilities of the United Nations human rights system and that at its forty-eighth session the General Assembly took the initial steps towards bridging the gap between resources and the mandated outputs,

Recalling the request of the World Conference on Human Rights to the Secretary-General and the General Assembly to take immediate steps to increase substantially the resources for the human rights programme from within the existing and future regular budgets of the United Nations,

Taking note of the view of the Secretary-General, as expressed in his report, 3/ that a prompt endorsement of a detailed plan of implementation of the Vienna Declaration and Programme of Action, together with the related necessary financial decisions, could positively facilitate the achievement of the broad range of objectives in human rights set forth by the World Conference on Human Rights,

Noting also that at the first regular session of 1994 of the Administrative Committee on Coordination, in April 1994, the executive heads of all United Nations agencies discussed the implications of the results of the Conference for their respective programmes and committed themselves to supporting the United

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2/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II.

3/ A/49/668, para. 139.

Nations High Commissioner for Human Rights in his system-wide coordination responsibilities,

Having considered the report of the Secretary-General on the follow-up to the World Conference on Human Rights 4/ and the report of the United Nations High Commissioner for Human Rights, 5/

1. Takes note with appreciation of the report of the Secretary-General on the follow-up to the World Conference on Human Rights 4/ and of the report of the United Nations High Commissioner for Human Rights; 5/

2. Endorses the view of the Secretary-General 6/ that, if adequately implemented, the Vienna Declaration and Programme of Action will be a milestone in history, and that it requires concerted efforts on the part of Governments and national human rights institutions, international organizations, United Nations human rights bodies and non-governmental organizations;

3. Endorses the reaffirmation in the Vienna Declaration and Programme of Action of the importance of the promotion of universal respect for, and observance and protection of, all human rights and fundamental freedoms in accordance with the Charter of the United Nations;

4. Requests the Secretary-General to ensure the distribution of the Vienna Declaration and Programme of Action as widely as possible;

5. Urges all States to continue to give widespread publicity to the Vienna Declaration and Programme of Action in order to promote increased awareness of human rights and fundamental freedoms;

6. Calls upon all States to take further action with a view to the full realization of human rights in the light of the recommendations of the Conference;

7. Requests the Secretary-General, the General Assembly, the Commission on Human Rights and other organs and bodies of the United Nations system related to human rights to take further action with a view to the full implementation of all the recommendations of the Conference;

8. Reiterates the request of the Conference that immediate steps be taken to increase substantially the resources for the human rights programme from within the existing and future regular budgets of the United Nations;

9. Requests the United Nations High Commissioner for Human Rights, as the United Nations official with principal responsibility for United Nations human

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4/ A/49/668.

5/ Official Records of the General Assembly, Forty-ninth Session, Supplement No. 36 (A/49/36).

6/ A/49/668, para. 134.

rights activities, to submit a detailed plan on the human and financial resource requirements of the implementation of the Vienna Declaration and Programme of Action, no later than 15 February 1995, for the preparation of the programme budget for the biennium 1996-1997;

10. Also requests the High Commissioner to include in his annual report to the General Assembly a section on the measures taken and the progress achieved in the comprehensive implementation of the Vienna Declaration and Programme of Action;

11. Decides to consider this question at its fiftieth session under the sub-item entitled "Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action".

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UNITED
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General Assembly

Distr.
LIMITED

A/C.3/49/L.56
2 December 1994

ORIGINAL: ENGLISH

Forty-ninth session
THIRD COMMITTEE
Agenda item 100 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Albania, Argentina, Armenia, Australia, Austria, Bangladesh, Belarus, Benin, Bosnia and Herzegovina, Cambodia, Canada, Croatia, Cyprus, Denmark, El Salvador, Estonia, Ethiopia, Finland, Hungary, Iceland, Israel, Italy, Latvia, Liechtenstein, Lithuania, Malta, Morocco, Nepal, Nicaragua, Norway, Panama, Poland, Republic of Korea, Russian Federation, Slovenia, Sweden, Ukraine and United States of America: draft resolution

# Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

The General Assembly,

Recalling its resolution 47/135 of 18 December 1992, in which it adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, as well as its resolution 48/138 of 20 December 1993,

Conscious of the need effectively to promote and protect the rights of persons belonging to minorities, as set out in the Declaration,

Welcoming Commission on Human Rights resolution 1994/22 of 1 March 1994 on the rights of persons belonging to national or ethnic, religious and linguistic minorities, 1/ in which the Commission, inter alia, requested the Secretary-General to present an analytical report at its next session,

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1/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

Noting that Subcommission on Prevention of Discrimination and Protection of Minorities resolution 1994/4 of 19 August 1994, is to be considered by the Commission on Human Rights at its fifty-first session,

Aware of the provisions of article 27 of the International Covenant on Civil and Political Rights 2/ concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Acknowledging that the United Nations has an increasingly important role to play regarding the protection of minorities by, inter alia, taking due account of and giving effect to the Declaration,

Concerned by the growing frequency and severity of disputes and conflicts concerning minorities in many countries, and their often tragic consequences,

Affirming that effective measures and the creation of favourable conditions for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities, ensuring effective non-discrimination and equality for all, contribute to the prevention and peaceful solution of human rights problems and situations involving minorities,

Considering that the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities contribute to political and social stability and peace and enrich the cultural heritage of society as a whole of the States in which such persons live,

Taking note of the work of the High Commissioner for National Minorities of the Conference on Security and Cooperation in Europe,

Reaffirming the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration,

Having considered the report of the Secretary-General on the effective promotion of the Declaration, 3/

Mindful of the recommendations contained in section II, paragraphs 25 to 27, of the Vienna Declaration and Programme of Action, 4/

1. Takes note with appreciation of the report of the Secretary-General on the effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

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2/ See resolution 2200 A (XXI), annex.

3/ A/49/415 and Add.1.

4/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

2. Urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration, including through the facilitation of their full participation in all aspects of the political, economic, social, religious and cultural life of society and in the economic progress and development in their country;

3. Urges States to take, as appropriate, all the necessary constitutional, legislative, administrative and other measures to promote and give effect to the principles contained in the Declaration;

4. Appeals to States to make bilateral and multilateral efforts, as appropriate, in order to protect the rights of persons belonging to national or ethnic, religious and linguistic minorities in their countries, in accordance with the Declaration;

5. Calls upon the Commission on Human Rights to examine as a matter of priority, ways and means to promote and protect effectively the rights of persons belonging to minorities, as set out in the Declaration;

6. Calls upon the Secretary-General to provide through the Centre for Human Rights of the United Nations Secretariat, at the request of Governments concerned and as part of the programme of advisory services and technical assistance of the Centre, qualified expertise on minority issues and human rights, as well as on the prevention and resolution of disputes, to assist in existing or potential situations involving minorities;

7. Requests the Secretary-General, in the implementation of the present resolution, to provide human and financial resources for such advisory services and technical assistance of the Centre for Human Rights, within existing resources;

8. Calls upon the United Nations High Commissioner for Human Rights to promote, within his mandate, the implementation of the principles contained in the Declaration and to continue to engage in a dialogue with Governments concerned for that purpose;

9. Urges all treaty bodies and special representatives, special rapporteurs and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities to give due regard, within their respective mandates, to the promotion and protection of the rights of persons belonging to minorities;

10. Invites the Secretary-General to continue the dissemination of information on the Declaration and the promotion of understanding thereof;

11. Encourages intergovernmental and non-governmental organizations to continue to contribute to the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities;

12. Calls upon States and the Secretary-General respectively to give due regard to the Declaration in training programmes for officials;

13. Requests the Secretary-General to report to the General Assembly at its fiftieth session on the implementation of the present resolution under the item entitled "Human rights questions".

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UNITED
NATIONS

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General Assembly

Distr.
LIMITED

A/C.3/49/L.57
2 December 1994
ENGLISH
ORIGINAL: FRENCH

Forty-ninth session
THIRD COMMITTEE
Agenda item 100 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Côte d'Ivoire, Cyprus, Denmark, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Luxembourg, Madagascar, Netherlands, Norway, Portugal, Republic of Moldova, Romania, Russian Federation, Senegal, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

Question of enforced or involuntary disappearances

The General Assembly,

Reaffirming the obligation of States under the Charter of the United Nations, in particular Article 55, to promote universal respect for, and observance of, human rights and fundamental freedoms,

Recalling its resolution 33/173 of 20 December 1978, concerning disappeared persons, and its resolutions 46/125 of 17 December 1991 and 47/132 of 18 December 1992, on the question of enforced or involuntary disappearances,

Recalling also its resolution 47/133 of 18 December 1992 proclaiming the Declaration on the Protection of All Persons from Enforced Disappearance, as a body of principles for all States,

Emphasizing that, in the Vienna Declaration and Programme of Action, 1/ the World Conference on Human Rights welcomed the adoption of the Declaration on

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1/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

the Protection of All Persons from Enforced Disappearance and called upon all States to take effective legislative, administrative, judicial or other measures to prevent, terminate and punish acts of enforced disappearance,

Noting that the Working Group on Enforced or Involuntary Disappearances considers the adoption of the Declaration to be the most encouraging development since its establishment in respect of efforts to combat enforced disappearances, especially in so far as it recognizes that the systematic practice of such acts is of the nature of a crime against humanity,

Expressing concern that, according to the Working Group, the practice of a number of States can run counter to the Declaration,

Convinced of the need to continue implementing the provisions of its resolution 33/173 and of the other United Nations resolutions on the question of disappeared persons, with a view to finding solutions for cases of disappearance and eliminating enforced disappearances, duly taking into account the provisions of the Declaration,

Convinced also that further efforts are needed to promote wider awareness of, and respect for, the Declaration on the Protection of All Persons from Enforced Disappearance,

Deeply concerned about the persistence of the practice of enforced disappearances in the world,

Concerned by the growing number of reports concerning harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Bearing in mind Commission on Human Rights resolution 1994/39 of 4 March 1994, 2/

1. Reaffirms that any act of enforced disappearance is an offence to human dignity, a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, 3/ and reaffirmed and developed in other international instruments in this field, as well as a violation of the rules of international law;

2. Recalls that all acts of enforced disappearance are offences punishable by appropriate penalties which take into account their extreme seriousness under criminal law;

3. Reiterates its invitation to all Governments to take appropriate legislative or other steps to prevent and suppress the practice of enforced disappearances, in keeping with the Declaration on the Protection of All Persons

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2/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24) chap. II, sect. A.

3/ Resolution 217 A (III).

from Enforced Disappearance, and to take action at the national and regional levels and in cooperation with the United Nations to that end;

4. Calls upon Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is ensured, particularly as regards the prevention of enforced disappearances;

5. Reminds Governments of the need to ensure that their competent authorities conduct prompt and impartial inquiries in all circumstances whenever there is reason to believe that an enforced disappearance has occurred in territory under their jurisdiction;

6. Further recalls that, if allegations are confirmed, perpetrators should be prosecuted;

7. Once again urges the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

8. Encourages States, as some have already done, to provide concrete information on measures taken to give effect to the Declaration, as well as obstacles encountered;

9. Requests all States to consider the possibility of disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in the national and local languages;

10. Welcomes the action taken by non-governmental organizations to encourage implementation of the Declaration and invites them to consider what more they could do to facilitate its implementation and dissemination and to contribute to the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

11. Expresses its appreciation to the Working Group on Enforced or Involuntary Disappearances for its humanitarian work;

12. Requests the Working Group, in the continued exercise of its mandate, to take into account the provisions of the Declaration on the Protection of All Persons from Enforced Disappearance, and to modify its working methods if necessary;

13. Invites the Working Group on Enforced or Involuntary Disappearances to identify obstacles to the realization of the provisions of the Declaration and to recommend ways of overcoming those obstacles, taking into account the discussions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

14. Furthermore encourages the Working Group to continue to consider the question of impunity, in close collaboration with the rapporteur appointed by the Sub-Commission on Prevention of Discrimination and Protection of Minorities and with due regard for the relevant provisions of the Declaration;

15. Requests the Working Group to pay the utmost attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned to search for and identify these children;

16. Appeals to the Governments concerned, particularly those that have not yet replied to the communications transmitted by the Working Group, to cooperate fully with it and, in particular, to reply promptly to its requests for information so that, while respecting its working methods based on discretion, it may perform its strictly humanitarian role;

17. Encourages the Governments concerned to give serious consideration to inviting the Working Group to visit their countries so as to enable the Working Group to fulfil its mandate even more effectively;

18. Expresses its profound thanks to the many Governments that have cooperated with the Working Group and replied to its requests for information, and to the Governments that have invited the Working Group to visit their countries, asks them to give all necessary attention to the Working Group's recommendations and invites them to inform the Working Group of any action they take on those recommendations;

19. Calls upon the Commission on Human Rights to continue to study this question as a matter of priority and to take any step it may deem necessary to the pursuit of the task of the Working Group and to the follow-up of its recommendations when it considers the report to be submitted by the Working Group to the Commission at its fifty-first session;

20. Invites the Commission on Human Rights at its fifty-first session, to extend for three years the term of the mandate of the Working Group, as defined in Commission resolution 20 (XXXVI) of 29 February 1980, 4/ while maintaining the principle of annual reporting, and requests the Working Group to continue to fulfil its mandate in a rigorous and constructive fashion;

21. Renews its request to the Secretary-General to continue to provide the Working Group with all the facilities it requires to perform its functions, especially in carrying out missions and following them up;

22. Requests the Secretary-General to keep it informed of the steps he takes to secure the widespread dissemination and promotion of the Declaration on the Protection of All Persons from Enforced Disappearance;

23. Also requests the Secretary-General to submit to it at its fifty-first session a report on the steps taken to implement this resolution;

24. Decides to consider the question of enforced disappearances, and in particular the implementation of the Declaration on the Protection of All

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4/ See Official Records of the Economic and Social Council, 1980, Supplement No. 3 and corrigenda (E/1980/13 and Corr.1 and 2), chap. XXVI, sect. A.

Persons from Enforced Disappearance, at its fifty-first session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".

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UNITED
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General Assembly

Distr.
LIMITED

A/C.3/49/L.58
5 December 1994

ORIGINAL: ENGLISH

Forty-ninth session
THIRD COMMITTEE
Agenda item 100 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Afghanistan, Albania, Austria, Bangladesh, Bosnia and Herzegovina, Chile, Croatia, Denmark, Egypt, Finland, Germany, Iceland, Iran (Islamic Republic of), Ireland, Italy, Kuwait, Malaysia, Morocco, Netherlands, Norway, Pakistan, Portugal, Saudi Arabia, Senegal, Sweden, Tunisia and Turkey: draft resolution

## Situation of human rights in Kosovo

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ the International Convention on the Elimination of All Forms of Racial Discrimination, 3/ the Convention on the Prevention and Punishment of the Crime of Genocide 4/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 5/

Recalling its resolution 48/153 of 20 December 1993,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 2106 A (XX), annex.

4/ Resolution 260 A (III).

5/ Resolution 39/46, annex.

Recalling also Commission on Human Rights resolution 1994/76 of 9 March 1994, 6/ and its previous resolutions 1992/S-1/1 of 14 August 1992, 7/ 1992/S-2/1 of 1 December 1992 8/ and 1993/7 of 23 February 1993; 9/

Taking note of the report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, 10/ in which he states that the situation in Kosovo has deteriorated further in the course of the past six months, as well as his earlier reports, 11/ in which he described the various discriminatory measures taken in the legislative, administrative and judicial areas, acts of violence and arbitrary arrests perpetrated against ethnic Albanians in Kosovo and the continuing deterioration of the human rights situation in Kosovo, including:

(a) Police brutality against ethnic Albanians, the killing of ethnic Albanians resulting from such violence, arbitrary searches, seizures and arrests, forced evictions, torture and ill-treatment of detainees and discrimination in the administration of justice;

(b) Discriminatory and arbitrary dismissals of ethnic Albanian civil servants, notably from the ranks of the police and the judiciary, mass dismissals of ethnic Albanians, confiscation and expropriation of their properties, discrimination against Albanian pupils and teachers, the closing of Albanian-language secondary schools and university, as well as the closing of all Albanian cultural and scientific institutions;

(c) The harassment and persecution of political parties and associations of ethnic Albanians and their leaders, by maltreating and imprisoning them;

(d) The intimidation and imprisonment of ethnic Albanian journalists and the systematic harassment and disruption of the news media in the Albanian language;

(e) The dismissals of doctors and members of other categories of the medical profession of Albanian origin from clinics and hospitals;

(f) The elimination in practice of the Albanian language, particularly in public administration and services;

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6/ Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

7/ Ibid., 1992, Supplement No. 2A (E/1992/22/Add.1/Rev.1), chap. II.

8/ See E/1992/22/Add.2-E/CN.4/1992/84/Add.2.

9/ Official Records of the Economic and Social Council, 1993, Supplement No. 3 (E/1993/23), chap. II, sect. A.

10/ A/49/641-S/1994/1252, annex.

11/ E/CN.4/1993/50 and E/CN.4/1994/110.

(g) The serious and massive occurrence of discriminatory and repressive practices aimed at Kosovo Albanians as a whole, resulting in widespread involuntary migration, and noting also that the Subcommission on Prevention of Discrimination and Protection of Minorities in its resolution 8 (XXIII) of 20 August 1993 considered that these measures and practices constitute a form of ethnic cleansing,

Recognizing that the long-term mission of the Conference on Security and Cooperation in Europe to Kosovo played a positive role in monitoring the human rights situation and in preventing an escalation of conflict there and recalling in this context Security Council resolution 855 (1993) of 9 August 1993,

Considering that the re-establishment of the international presence in Kosovo to monitor and investigate the situation of human rights is of great importance in preventing the situation in Kosovo from deteriorating into a violent conflict,

1. Strongly condemns the measures and practices of discrimination and the violations of human rights of ethnic Albanians of Kosovo committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro);

2. Condemns the large-scale repression by the police and military of the Federal Republic of Yugoslavia (Serbia and Montenegro) against the defenceless ethnic Albanian population and the discrimination of the ethnic Albanians in education, the administrative and judiciary branches of government, education, health care and employment aimed at forcing ethnic Albanians to leave;

3. Demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) Take all necessary measures to bring to an immediate end all human rights violations against ethnic Albanians in Kosovo, including, in particular, the discriminatory measures and practices, arbitrary searches and detention, the violation of the right to a fair trial and the practice of torture and other cruel, inhuman or degrading treatment;

(b) Revoke all discriminatory legislation, in particular that which has entered into force since 1989;

(c) Establish genuine democratic institutions in Kosovo, including the parliament and the judiciary, and respect the will of the inhabitants as the best means of preventing the escalation of the conflict there;

(d) Reopen and hand over to ethnic Albanians their cultural and scientific institutions;

(e) Resume dialogue with the representatives of ethnic Albanians in Kosovo, including under the auspices of the International Conference on the Former Yugoslavia;

4. Demands that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) cooperate fully and immediately with the Special

Rapporteur of the Commission on Human Rights on human rights in the territory of the former Yugoslavia in the discharge of his functions as requested by the Commission in its resolution 1994/76 and other relevant resolutions;

5. Encourages the Secretary-General to pursue his humanitarian efforts in the former Yugoslavia, in liaison with the United Nations High Commissioner for Refugees, the United Nations Children's Fund and other appropriate humanitarian organizations, with a view to taking urgent practical steps to tackle the critical needs of the people in Kosovo, especially of the most vulnerable groups affected by the conflict, and to assist in the voluntary return of displaced persons to their homes;

6. Urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) to allow the immediate unconditional return of the long-term mission of the Conference on Security and Cooperation in Europe to Kosovo, called for in Security Council resolution 855 (1993);

7. Requests the Secretary-General to seek ways and means, including through consultations with the United Nations High Commissioner for Human Rights and relevant regional organizations, to establish an adequate international monitoring presence in Kosovo and to report thereon to the General Assembly;

8. Calls upon the Special Rapporteur to continue to monitor closely the human rights situation in Kosovo and to pay special attention to this matter in his reporting;

9. Decides to continue examination of the human rights situation in Kosovo at the fiftieth session under the item entitled "Human rights questions".

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UNITED
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General Assembly

Distr.
LIMITED

A/C.3/49/L.59
5 December 1994

ORIGINAL: ENGLISH

Forty-ninth session
THIRD COMMITTEE
Agenda item 100 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Australia, Brazil, Bulgaria, Chile, Colombia, Greece, Peru, Uruguay and Venezuela: draft resolution

Strengthening of the rule of law

The General Assembly,

Recalling that the achievement of international cooperation in promoting and encouraging respect for human rights and fundamental freedoms for all without any distinction as to race, sex, language and religion is one of the purposes of the United Nations,

Firmly convinced that, as stressed in the Universal Declaration of Human Rights, 1/ the rule of law is an essential factor in the protection of human rights,

Convinced that through their own national legal and judicial systems States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the Centre for Human Rights of the Secretariat in supporting national efforts to strengthen the institutions of the rule of law,

Recalling the recommendation of the World Conference on Human Rights that a comprehensive programme be established within the United Nations and under the

1/ Resolution 217 A (III).

coordination of the Centre for Human Rights with a view to helping States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law, 2/

Recalling also its resolution 48/132 of 20 December 1993, as well as Commission on Human Rights resolution 1994/50 of 4 March 1994, 3/

1. Welcomes the report of the Secretary-General submitted in conformity with resolution 48/132; 4/

2. Takes note with interest of the proposals contained therein for strengthening the programme of advisory services and technical assistance of the Centre for Human Rights of the Secretariat in order to comply fully with the recommendations of the World Conference on Human Rights concerning assistance to States in strengthening their institutions of the rule of law;

3. Praises the efforts made by the Centre for Human Rights in order to accomplish its ever-increasing tasks with the limited financial and personnel resources at its disposal;

4. Expresses its concern that the programme of advisory services and technical cooperation does not have either the financial capacity or the staff to respond to the requests for project funds submitted to it, nor to carry out further programme development;

5. Notes that the programme has been unable to provide substantial financial assistance for capital assistance needs that have a direct impact on the realization of human rights and the maintenance of the rule of law;

6. Requests the Secretary-General and the United Nations High Commissioner for Human Rights to explore the possibilities of obtaining from the financial institutions of the United Nations system the necessary financial support for capital assistance needs for technical and financial assistance to national projects in reforming penal and correctional establishments, education and training of lawyers, judges and security forces in human rights, and any other sphere of activities relevant to the good functioning of the rule of law;

7. Endorses the proposal of the Secretary-General that, in all United Nations activities in areas that touch on human rights and the rule of law, due attention should be given to the coordinating and substantive role of the High Commissioner for Human Rights and the Centre for Human Rights;

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2/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III, sect. II, para. 69.

3/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24).

4/ A/49/512.

8. Requests the Secretary-General to submit a report to the General Assembly at its fiftieth session on the results of the contacts he may establish in accordance with paragraph 6 above, as well as on any other developments pertaining to the implementation of the recommendation of the World Conference on Human Rights contained in paragraph 69 of section II of the Vienna Declaration and Programme of Action.

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UNITED
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General Assembly

Distr.
LIMITED

A/C.3/49/L.59/Rev.1
12 December 1994

ORIGINAL: ENGLISH

Forty-ninth session
THIRD COMMITTEE
Agenda item 100 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Argentina, Australia, Botswana, Brazil, Bulgaria, Chile, Colombia, Costa Rica, Greece, Israel, Paraguay, Peru, Republic of Korea, Russian Federation, Uruguay and Venezuela: revised draft resolution

## Strengthening of the rule of law

The General Assembly,

Recalling that, by adopting the Universal Declaration of Human Rights, 1/ Member States have pledged themselves to achieve, in cooperation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Firmly convinced that, as stressed in the Universal Declaration of Human Rights, the rule of law is an essential factor in the protection of human rights,

Also convinced that through their own national legal and judicial systems States must provide appropriate civil, criminal and administrative remedies for violations of human rights,

Recognizing the importance of the role that can be played by the Centre for Human Rights of the Secretariat in supporting national efforts to strengthen the institutions of the rule of law,

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1/ Resolution 217 A (III).

Recalling the recommendation of the World Conference on Human Rights that a comprehensive programme be established within the United Nations and under the coordination of the Centre for Human Rights with a view to helping States in the task of building and strengthening adequate national structures which have a direct impact on the overall observance of human rights and the maintenance of the rule of law, 2/

Recalling also its resolution 48/132 of 20 December 1993, and Commission on Human Rights resolution 1994/50 of 4 March 1994, 3/

1. Welcomes the report of the Secretary-General submitted in conformity with resolution 48/132; 4/

2. Takes note with interest of the proposals contained therein for strengthening the programme of advisory services and technical assistance of the Centre for Human Rights of the Secretariat in order to comply fully with the recommendations of the World Conference on Human Rights concerning assistance to States in strengthening their institutions of the rule of law;

3. Praises the efforts made by the Centre for Human Rights to accomplish its ever-increasing tasks with the limited financial and personnel resources at its disposal;

4. Expresses its deep concern at the scarcity of means at the disposal of the Centre for Human Rights for the fulfilment of its tasks;

5. Notes that the programme of advisory services and technical cooperation does not count on capital assistance funds to provide any substantial financial assistance to national projects that have a direct impact on the realization of human rights and the maintenance of the rule of law in countries that are committed to those ends, but which face economic hardship;

6. Requests the Secretary-General to explore the possibilities of obtaining the necessary capital assistance funds from the financial institutions of the United Nations system;

7. Also requests the Secretary-General to submit a report to the General Assembly at its fiftieth session on the results of the contacts he may establish in accordance with paragraph 6 above, as well as on any other developments pertaining to the implementation of the recommendation of the World Conference on Human Rights contained in paragraph 69 of section II of the Vienna Declaration and Programme of Action.

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2/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III, sect. II, para. 69.

3/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24).

4/ A/49/512.

**UNITED NATIONS** **A**

**General Assembly**

Distr.
LIMITED

A/C.3/49/L.60
5 December 1994

ORIGINAL: ENGLISH

Forty-ninth session
THIRD COMMITTEE
Agenda item 100 (b)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Afghanistan, Albania, Andorra, Argentina, Armenia, Australia, Austria, Bahamas, Belarus, Belgium, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Cameroon, Chile, Colombia, Costa Rica, Croatia, Cyprus, Czech Republic, Denmark, Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, India, Indonesia, Ireland, Israel, Italy, Latvia, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Morocco, Netherlands, Nicaragua, Niger, Norway, Pakistan, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Senegal, Slovakia, Slovenia, Spain, Sweden, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay and Venezuela: draft resolution

## Strengthening of the Centre for Human Rights of the Secretariat

The General Assembly,

Recalling its resolution 44/135 of 15 December 1989, 45/180 of 21 December 1990, 46/118 and 46/111 of 17 December 1991, 47/127 of 18 December 1992 and 48/129 and 48/141 of 20 December 1993, and bearing in mind all relevant resolutions of the Economic and Social Council and the Commission on Human Rights,

Considering that the promotion of universal respect for and observance of human rights and fundamental freedoms is one of the basic purposes of the United Nations enshrined in the Charter of the United Nations and of high importance to the Organization,

Bearing in mind that the Secretary-General, in his reports on the work of the Organization for 1992 and 1994, stated that "the Charter of the United Nations places the promotion of human rights as one of our priority objectives, along with promoting development and preserving international peace and security" 1/ and that "the continuous increase in requests ... are increasing the workload of the Centre for Human Rights of the Secretariat and placing ever greater demands on its resources", 2/

Taking into account that in the Vienna Declaration and Programme of Action, 3/ the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, concerned by the growing disparity between the activities of the Centre and the human, financial and other resources available to carry them out, and bearing in mind the resources needed for other important United Nations programmes, requested the Secretary-General and the General Assembly to take immediate steps to increase substantially the resources for the human rights programme from within the existing and future regular budgets of the United Nations, and to take urgent steps to seek increased extrabudgetary resources,

Taking also into account the establishment of the post of the United Nations High Commissioner for Human Rights, as well as the mandate for the post, including its coordinating role and its overall supervision of the Centre, as well as the request by the General Assembly in its resolution 48/141 for appropriate staff and resources to enable the High Commissioner to fulfil his mandate,

Taking further into account that the mandate of the High Commissioner, includes, inter alia, engaging in a dialogue with all Governments in the implementation of his mandate with a view to the promotion and protection of all human rights, and rationalizing, adapting, strengthening and streamlining the United Nations machinery in the field of human rights with a view to improving its efficiency and effectiveness,

Noting that in the Vienna Declaration and Programme of Action, the World Conference on Human Rights stressed the importance of strengthening the Centre,

Noting also that the difficult financial situation of the Centre has created considerable obstacles to the implementation of the various procedures

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1/ Official Records of the General Assembly, Forty-seventh Session, Supplement No. 1 (A/47/1), para. 100.

2/ Ibid., Forty-ninth Session, Supplement No. 1 (A/49/1), para. 387.

3/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993, (A/CONF.157/24 (Part I), chap. III, sect. II, para. 9.

and mechanisms and has negatively influenced the servicing by the Secretariat of the human rights bodies concerned,

Noting with appreciation the measures already taken by the Assistant Secretary-General for Human Rights, head of the Centre for Human Rights, aimed at improving the administration and management of the Centre,

Acknowledging that, while further improvement in the functioning and efficiency of the Centre, together with a strong emphasis on good management practices, is needed in order to enable the Centre to cope with its constantly increasing workload, good management practices need to be complemented by additional resources commensurate with additional mandates,

Recalling that in its report to the Special Commission of the Economic and Social Council, 4/ the Commission on Human Rights reaffirmed that "the paramount consideration in the employment of staff at every level is the need for the highest standards of efficiency, competence and integrity, and is convinced that this is compatible with the principle of equitable geographical distribution" and, bearing in mind Article 101, paragraph 3, of the Charter of the United Nations,

Taking note of the report of the Secretary-General on the strengthening of the Centre, 5/

Taking note also of the report of the High Commissioner, 6/

1. Supports the efforts of the Secretary-General to enhance the role and importance of the Centre for Human Rights of the Secretariat, under the overall supervision of the United Nations High Commissioner for Human Rights;

2. Requests the Secretary-General and Member States to ensure that appropriate additional financial, material and personnel resources are provided in 1994-1995 from within the existing regular budget of the United Nations to enable the Centre and the High Commissioner to carry out, in full and on time, the respective mandates assigned to them by the competent bodies dealing with human rights;

3. Calls upon the Secretary-General to include in his submission for the proposed budget for the biennium 1996-1997, giving due regard to development and other priority activities of the United Nations, human and financial resources for United Nations human rights activities, adequate to respond to the increase in mandated activities in order to enable the Centre and the High Commissioner to carry out their respective mandates efficiently and effectively;

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4/ E/CN.4/1988/85 and Corr.1, para. 30.

5/ A/49/595.

6/ A/49/36.

4. Requests the Secretary-General to make available additional human and financial resources:

(a) To the High Commissioner so as to enhance his ability to coordinate effectively human rights promotion and protection activities throughout the United Nations system, including the provision of advisory services and technical assistance;

(b) To the Centre so as to strengthen its ability to discharge all its mandates, as well as its ability to deal with administrative and budget matters, including the provision of advisory services;

(c) To the High Commissioner and the Centre so as to enhance their ability to carry out mandated operational activities and to coordinate efficiently with other relevant parts of the United Nations system on logistical and administrative questions;

5. Emphasizes that, while steps are being taken to improve the administrative efficiency of the Centre and noting with appreciation the measures recently taken by the Assistant Secretary-General for Human Rights, head of the Centre for Human Rights, aimed at improving the management of the Centre, further steps should be undertaken to analyse the present and future utilization of available human and financial resources as well as additional measures to improve further the administrative efficiency and effectiveness of the Centre, if required with appropriate technical assistance;

6. Requests the Secretary-General to submit an interim report to the Commission on Human rights at its fifty-first session and a final report to the General Assembly at its fiftieth session on the strengthening of the Centre and on the measures taken to implement the present resolution.

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UNITED
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General Assembly

Distr.
LIMITED

A/C.3/49/L.61
5 December 1994

ORIGINAL: ENGLISH

Forty-ninth session
THIRD COMMITTEE
Agenda item 100 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Afghanistan, Albania, Andorra, Argentina, Austria, Azerbaijan, Bahrain, Bangladesh, Belgium, Bosnia and Herzegovina, Canada, Chile, Costa Rica, Croatia, Denmark, Djibouti, Dominican Republic, Egypt, Finland, France, Germany, Greece, Guatemala, Guinea, Guinea-Bissau, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jordan, Kuwait, Latvia, Liechtenstein, Luxembourg, Malaysia, Malta, Monaco, Morocco, Netherlands, New Zealand, Nicaragua, Norway, Oman, Pakistan, Portugal, Qatar, Saudi Arabia, Slovenia, Spain, Sudan, Sweden, Tunisia, Turkey, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay and Yemen: draft resolution

# Rape and abuse of women in the areas of armed conflict in the former Yugoslavia

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ the International Convention on the Prevention and Punishment of the Crime of Genocide, 3/ the Convention against Torture and Other Cruel,

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 260 A (III).

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Inhuman or Degrading Treatment or Punishment, 4/ the Convention on the Elimination of All Forms of Discrimination against Women, 5/ the Convention on the Rights of the Child 6/ and other instruments of human rights and international humanitarian law, including the Geneva Conventions of 12 August 1949 7/ and the Additional Protocols thereto, of 1977, 8/

Recalling its resolution 3074 (XXVIII) of 3 December 1973, entitled "Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity,

Recalling also Commission on Human Rights resolution 1994/77 of 9 March 1993, 9/ entitled "Rape and abuse of women in the territory of the former Yugoslavia" and General Assembly resolution 48/143 of 20 December 1993, entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia",

Appalled at the continuing and substantiated reports of widespread rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia, in particular its use against the Muslim women and children in Bosnia and Herzegovina and other non-Serbs by Serbian forces,

Reaffirming the relevant Security Council resolutions, in particular resolution 798 (1992) of 18 December 1992 in which, inter alia, the Council strongly condemned those acts of unspeakable brutality,

Welcoming the reports and recommendations of the Special Rapporteur on the situation of human rights in the former Yugoslavia,

Taking note with deep concern of the reports on the findings of the Special Rapporteur regarding rape and abuse of women in the territory of the former Yugoslavia, particularly in the Republic of Bosnia and Herzegovina,

Convinced that this heinous practice constitutes a deliberate weapon of war in fulfilling the policy of ethnic cleansing carried out by Serbian forces in the Republic of Bosnia and Herzegovina, and noting its resolution 47/121 of 18 December 1992, in which it stated, inter alia, that the abhorrent policy of ethnic cleansing was a form of genocide,

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4/ Resolution 39/36, annex.

5/ Resolution 34/180, annex.

6/ Resolution 44/25, annex.

7/ United Nations, Treaty Series, vol. 75, Nos. 970-973.

8/ Ibid., vol. 1125, Nos. 17512 and 17513.

9/ See Official Records of the Economic and Social Council, 1994, Supplement No. 4 (E/1994/24), chap. II, sect. A.

Welcoming the fact that the proceedings of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 have now begun and, in this context, encouraging the provision of all resources necessary, including full funding as well as voluntary contributions from States and intergovernmental and non-governmental organizations so that the Tribunal can conduct, without any interference and further delay, its stipulated functions of trying those accused of and punishing those responsible for the perpetration of violations of international law,

Desirous of ensuring that persons accused of upholding and perpetrating rape and sexual violence as a weapon of war in the areas of armed conflict in the former Yugoslavia will be brought to justice by the International Tribunal where appropriate and without further delay,

Underlining, in this context, the need for the protection of the rape victims, and provision of effective guarantees of privacy and confidentiality of the rape victims, desirous of facilitating their participation in the proceedings of the Tribunal and ensuring that further traumatization will be prevented,

Stressing the need for further development and strengthening of a programme for protection of witnesses and survivors of sexual abuse and rape as a war crime who provide testimonies, in order to provide effective protection against retribution, and in this context expressing its support for the Victims and Witnesses Unit of the Tribunal,

Deeply alarmed at the situation facing victims of rape in the conflicts in different parts of the world, in particular in the Republic of Bosnia and Herzegovina, and the continuing use of rape as a weapon of war,

Noting with appreciation the work of the Office of the United Nations High Commissioner for Refugees, humanitarian organizations and non-governmental organizations aimed at supporting the victims of rape and abuse and alleviating their suffering,

Taking into account resolution 37/9 of 18 March 1994 of the Commission on the Status of Women, 10/

Taking note of the report of the Secretary-General 11/ pursuant to resolution 48/143,

1. Strongly condemns the continuing abhorrent practice of rape and abuse of women and children in the areas of armed conflict in the former Yugoslavia, which constitutes a war crime;

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10/ See Official Records of the Economic and Social Council, 1994, Supplement No. 7 (E/1994/27).

11/ A/48/858.

2. Expresses its outrage that the continuing and systematic practice of rape is being used as a weapon of war and an instrument of ethnic cleansing against the women and children in the Republic of Bosnia and Herzegovina;

3. Demands that those involved immediately cease these outrageous acts, which are in gross violation of international humanitarian law, including the Geneva Conventions of 12 August 1949 7/ and the Additional Protocols thereto, 8/ and take immediate action to ensure the enjoyment of human rights and fundamental freedoms in accordance with their obligations under those instruments and other applicable international human rights instruments;

4. Urges all States Members of the United Nations to take joint and separate action, in cooperation with the United Nations, to bring about an end to this despicable practice;

5. Condemns the continuous and persistent denial of access by the Bosnian Serb forces to the Special Rapporteur, the Special Representative of the Secretary-General, the Office of the United Nations High Commissioner for Refugees and the United Nations Protection Force, as well as other relevant humanitarian and human rights organizations, in the Serb-held areas, in particular Banja Luka, Bijeljina and other areas of concern, and demands that immediate and unimpeded access be granted and in this context welcomes Security Council resolution 941 (1994) of 23 September 1994;

6. Reaffirms that all persons who perpetrate or authorize crimes against humanity or other violations of international humanitarian law are individually responsible for those violations and that those in positions of authority who have failed to ensure that persons under their control comply with the relevant international instruments are accountable, together with the perpetrators;

7. Declares that rape is a heinous crime and encourages the International Tribunal to give due priority to the cases of the victims of rape in the areas of armed conflict in the former Yugoslavia, in particular in the Republic of Bosnia and Herzegovina;

8. Urges Member States to exert every effort to bring to justice, in accordance with internationally recognized principles of due process, all those individuals directly or indirectly involved in these outrageous international crimes;

9. Urges the Chief Prosecutor to consider the appointment to his office of experts in the prosecution of crimes of sexual violence, as recommended in its resolution 48/153 of 20 December 1993;

10. Calls upon States to put experts, including experts in the prosecution of crimes of sexual violence, at the disposal of the Chief Prosecutor and Tribunal;

11. Encourages the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia to continue to pay particular attention to the widespread occurrence of rape, particularly in Bosnia and Herzegovina, and acknowledges the work done by his team of female experts;

12. Urges all States and relevant organizations immediately to give serious consideration to the recommendations of the Special Rapporteur in his reports, in particular the recommendation for the provision for the continuation of necessary medical and psychological care of victims of rape within the framework of programmes to rehabilitate women and children traumatized by war;

13. Calls upon all States to cooperate with the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 and the Office of the Prosecutor in the investigation and prosecution of persons accused of using rape as a weapon of war and in the provision of protection, counselling and support to victims and witnesses;

14. Recognizes the extraordinary suffering of the victims of rape and sexual violence and the necessity for an appropriate response to provide assistance to those victims, and expresses its concern, in particular, for the welfare of those victims who are presently among the internally displaced or otherwise affected by the war, and who have experienced severe trauma and require psycho-social and other assistance;

15. Urges all States and all relevant intergovernmental and non-governmental organizations, including the United Nations Children's Fund, the Office of the United Nations High Commissioner for Refugees and the World Health Organization, to continue to provide to the victims of such rape and abuse appropriate assistance for their physical and mental rehabilitation, as well as to extend their support to the community-based assistance programmes;

16. Requests the Secretary-General to provide such necessary means as are available to him in the area to enable any future missions to have free and secure access to places of detention;

17. Requests the Secretary-General to submit an updated and substantive report no later than 1 March 1995 on the issue of rape and abuse of women in the areas of armed conflict in the Republic of Bosnia and Herzegovina, in particular in the Serb-held areas, and on the measures taken towards implementation of this resolution;

18. Decides to continue the consideration of this question at its fiftieth session.

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UNITED
NATIONS

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General Assembly

Distr.
LIMITED

A/C.3/49/L.62
6 December 1994

ORIGINAL: ENGLISH

Forty-ninth session
THIRD COMMITTEE
Agenda item 100 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Andorra, Australia, Austria, Belgium, Benin, Botswana, Cambodia, Cameroon, Canada, Chile, Costa Rica, Denmark, Finland, France, Gabon, Germany, Greece, Guinea, Hungary, Iceland, Ireland, Israel, Italy, Liechtenstein, Luxembourg, Malta, Netherlands, New Zealand, Norway, Panama, Republic of Korea, Rwanda, Slovenia, Spain, Sweden, Togo, Tunisia and United States of America: draft resolution

## Situation of human rights in Rwanda

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide, and other applicable human rights and humanitarian law instruments,

Recalling Commission on Human Rights resolution S-3/1 of 25 May 1994, 1/ by which the Commission established a Special Rapporteur to investigate the human rights situation in Rwanda,

Recalling the establishment of the Commission of Experts pursuant to Security Council resolution 935 (1994) of 1 July 1994 to report on grave violations of international humanitarian law in Rwanda,

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1/ E/1994/24/Add.2-E/CN.4/1994/132/Add.2, chap. II.

Deeply concerned by the reports of the Special Rapporteur and the Commission of Experts that genocide and systematic, widespread and flagrant violations of international humanitarian law and crimes against humanity have been committed in Rwanda, resulting in massive loss of life,

Also deeply concerned by the reports of the Special Rapporteur and the Commission of Experts that the situation of ethnic and political armed conflict in Rwanda resulted in other grave violations and abuses of human rights, including violation of the right to life, the right to physical and moral integrity, the right to be free from torture and other cruel, inhuman and degrading treatment and the right to be free from discrimination on the grounds of ethnic origin and to be protected from incitement to such discrimination,

Reaffirming the deep concern expressed by the World Conference on Human Rights about violations of human rights during armed conflicts affecting the civilian population, especially women, children, the elderly and the disabled, 2/

Noting that, following the cease-fire of 18 July 1994, a new Rwandese Government has been established and has made efforts to restore the rule of law and reconstruct the civil administration and the social, legal, physical, economic and human rights infrastructure of Rwanda after the extensive damage inflicted by the civil conflict,

Noting with concern that, in spite of efforts by the Rwandese Government to ensure peace and security and the rule of law, a situation of insecurity still exists, evidenced by reports of disappearances, arbitrary arrest and detention, summary executions and destruction of property, and welcoming the commitments of the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms and to eliminate impunity by investigating and prosecuting those responsible for acts of retribution,

Concerned about the danger posed by continuing incidences of violence and intolerance in Rwanda, which impede the full realization of civil, political, economic, social and cultural rights,

Also concerned about the fact that these occurrences create a climate of insecurity, which prevents refugees and displaced persons from returning to their homes, conscious that the return to their homes is essential for the normalization of the situation in Rwanda and countries of the region, and concerned, in addition, about reports of continuing acts of intimidation and violence within the camps for refugees, particularly by the former Rwandese authorities, which prevent refugees from returning home,

Conscious that technical assistance and advisory services will assist the Government of Rwanda in reconstructing the social, legal, physical, economic and human rights infrastructure of Rwanda,

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2/ See Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III, sect. I, para. 29.

Further concerned by the ongoing interference, particularly by the former Rwandese authorities, in the provision of humanitarian relief, which has already led to the withdrawal of some non-governmental agencies responsible for the distribution of relief supplies within the camps outside Rwanda,

Noting with appreciation the efforts of the Secretary-General, his Special Representative for Rwanda, the United Nations High Commissioner for Refugees, the Department of Humanitarian Affairs of the Secretariat, and non-governmental organizations, as well as of the Commission on Human Rights, and its special rapporteurs,

Commending the initiatives taken by the United Nations High Commissioner for Human Rights, including his timely visits to Rwanda, and welcoming his efforts to ensure that the Special Rapporteur is assisted by a team of human rights field officers acting in close cooperation with the United Nations Assistance Mission for Rwanda and other United Nations agencies and programmes operating in Rwanda, and his efforts to facilitate coordination and cooperation between the work of the Commission of Experts and the Special Rapporteur,

Conscious of the important role human rights field officers will have in establishing an environment conducive to full respect for human rights and fundamental freedoms and in preventing further violations, and mindful of the need for the speedy deployment of a sufficient number of such officers to fulfil this role, endorses the Secretary-General's encouragement to Member States to provide contributions to expand human rights activities in the field,

Stressing the need for the implementation by all parties in Rwanda of the principles contained in the Peace Agreement signed at Arusha, 3/ which constitutes the framework for peace, national reconciliation and unity in Rwanda, and noting with appreciation the efforts of the Chairman and Secretary General of the Organization of African Unity, the President of the United Republic of Tanzania, Mr. Ali Hassan Mwinyi, in his capacity as the Facilitator of the Arusha peace process,

Recalling Security Council resolution 965 (1994) of 30 November 1994, in which the Council expanded the mandate of the United Nations Assistance Mission for Rwanda to contribute to the security and protection of displaced persons, refugees and civilians at risk in Rwanda, to provide security and support for the distribution of relief supplies and humanitarian relief operations, to contribute to the security in Rwanda of personnel of the International Tribunal for Rwanda and human rights officers, and to assist in the training of a new integrated police force, and recalling also the Secretary-General's revised deployment schedule for the Assistance Mission, which is intended to promote security in all areas of the country and create conditions conducive to the return of refugees,

Conscious of the fact that the magnitude of the tragedy in Rwanda requires the kind of coordination and resources which can be effectively sustained by the United Nations, and supporting the Secretary-General's encouragement, under the

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3/ See A/48/824-S/26915.

Rwanda Emergency Normalization Plan, to States Members of the United Nations, United Nations agencies and non-governmental organizations to provide immediate and coordinated technical and financial assistance to Rwanda,

Recognizing that effective action to prevent further violations of human rights and fundamental freedoms must be a central and integral element of the overall United Nations response to the situation in Rwanda,

Recognizing also that a strong human rights component is indispensable to the political peace process and the post-conflict reconstruction of Rwanda,

Considering that the international community and the Government of Rwanda must follow closely and continue to support all efforts to consolidate peace, ensure full respect for human rights and fundamental freedoms and undertake the reconstruction of Rwanda,

1. Welcomes the reports of the Special Rapporteur on the situation of human rights in Rwanda; 4/

2. Condemns in the strongest terms all acts of genocide, violations of international humanitarian law and all violations and abuses of human rights which occurred during the conflict in Rwanda, especially following the tragic events of 6 April 1994;

3. Also condemns in the strongest terms the kidnapping and killing of military peace-keeping personnel attached to the United Nations Assistance Mission for Rwanda, the killing of personnel attached to humanitarian organizations operating in the country, the wanton killing of innocent civilians and the destruction of property during the conflict, which constitute a blatant violation of international humanitarian law;

4. Reaffirms that all persons who commit or authorize genocide or other grave violations of human rights or international humanitarian law are individually responsible and accountable for those violations and that the international community will exert every effort to bring those responsible to justice in accordance with international principles of due process;

5. Welcomes the establishment of the International Tribunal for Rwanda to prosecute persons responsible for genocide and other serious violations of international humanitarian law pursuant to Security Council resolution 955 (1994) of 8 November 1994, and urges States to cooperate fully with the tribunal;

6. Requests States which have given refuge to persons involved in serious breaches of international humanitarian law, crimes against humanity or acts of genocide to take the necessary steps, in cooperation with the International Tribunal for Rwanda, to ensure that they do not escape justice;

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4/ E/CN.4/1995/7 and E/CN.4/1995/12.

7. Notes with deep concern the findings of the Special Rapporteur that disappearances, arbitrary arrest and detention, summary executions and destruction of property are still taking place in Rwanda, encourages the Government of Rwanda to ensure investigation and prosecution of those responsible for such acts in accordance with international principles of due process, and welcomes the commitments of the Government of Rwanda in this regard;

8. Encourages the Government of Rwanda to protect and promote respect for human rights and fundamental freedoms, stresses the need to create an environment conducive to the realization of civil, political, economic, social and cultural rights, and to the return by refugees and displaced persons to their homes, and welcomes in this regard the commitments made by the Government of Rwanda;

9. Encourages the efforts of the Government of Rwanda to involve, regardless of ethnicity, all citizens not responsible for acts of genocide or other grave violations of international humanitarian law, within its administrative, judicial, political and security structures;

10. Invites Member States, the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to contribute financial and technical support to the efforts of the Government of Rwanda to reconstruct the civil administration and the social, legal, physical, economic and human rights infrastructure of Rwanda;

11. Welcomes the efforts of the Government of Rwanda to restore the rule of law and to reconstruct the Rwandese justice system, and invites Member States, the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to provide technical and financial assistance for the administration of justice, particularly to ensure the independence and impartiality of the judiciary, and welcomes in this regard the efforts of the Centre for Human Rights of the Secretariat to assist the Ministry of Justice of Rwanda;

12. Also invites Member States, the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts to provide technical and financial assistance to the system of law enforcement in Rwanda, including police training, and welcomes in this regard the assistance being provided by the United Nations Assistance Mission for Rwanda to the Government of Rwanda's efforts to establish a new integrated police force;

13. Condemns those preventing, in some instances by force, the voluntary repatriation of refugees, and those obstructing the access of humanitarian relief to all in need, including those with the camps for refugees, and calls on the appropriate authorities to ensure security within such camps;

14. Urges the responsible authorities in Rwanda and within the region to ensure full respect for human rights and fundamental freedoms within camps for refugees and displaced persons;

15. Welcomes the commitment of the Governments of Zaire, the United Republic of Tanzania and Burundi to help resolve the problems facing the refugees, and calls upon them to do all in their power to ensure the safety both of the refugees and of the personnel providing humanitarian assistance to the refugees;

16. Urges Governments within the region to take measures to prevent their territory from being used to pursue a strategy of destabilization within Rwanda;

17. Urges the Rwandese authorities and the Rwandese people to work for national reconciliation and unity in Rwanda, for peace in the country and within the whole region, and to work together to implement the principles contained in the Peace Agreement signed at Arusha, 3/ which constitutes the framework for peace, national reconciliation and unity in Rwanda;

18. Welcomes the efforts of the United Nations High Commissioner for Human Rights to ensure that efforts of the United Nations aimed at conflict resolution and peace-building in Rwanda are accompanied by a strong human rights component and effectively supported by a comprehensive programme of human rights assistance, drawing as appropriate on the expertise and capacities of all parts of the United Nations system able to contribute to the promotion and protection of human rights in Rwanda;

19. Welcomes the cooperation the Government of Rwanda has extended to the High Commissioner for Human Rights and to the Special Rapporteur, and the acceptance by the Government of Rwanda of the deployment of human rights field officers, bearing in mind the important role of those officers, acting in close cooperation with the United Nations Assistance Mission for Rwanda and other United Nations agencies and programmes operating in Rwanda, in establishing a climate of confidence, establishing a secure environment conducive to full respect for human rights and fundamental freedoms and in preventing further violations;

20. Invites Member States to intensify further their efforts to support human rights activities in the field in Rwanda;

21. Requests the Secretary-General to take appropriate steps to ensure adequate financial and human resources and logistical support for the speedy deployment of a sufficient number of human rights field officers and for the delivery of programmes of technical assistance and advisory services;

22. Also requests the Secretary-General to provide all resources necessary to enable the Special Rapporteur to fulfil his mandate;

23. Decides to continue its consideration of this question at its fiftieth session.

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